



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Washington, DC
20250

Federal Relay Service
(Voice/TTY/ASCII/Spanish)
1-800-877-8339

April 17, 2001

TO: APHIS Managers and Supervisors
FROM: Anna P. Grayson *Anna P. Grayson*
Director
Civil Rights Enforcement and Compliance
SUBJECT: Program Discrimination Complaints
Receipt and Processing

The following guidance is provided for all APHIS managers and supervisors:

BACKGROUND

Program discrimination complaints are defined as those complaints filed by persons (non-employee) who allege discrimination in a program or activity assisted or conducted by APHIS. Passenger, cargo, and veterinary inspections are examples of APHIS conducted programs. Detail of personnel to state and local governments and grants to universities are examples of APHIS assisted activities.

USDA Departmental Regulations (DR) 4330-2 and 4330-3 provide that all program complaints of discrimination against USDA agencies must be forwarded to USDA's Office of Civil Rights (OCR) within 5 days of their receipt by the agency. OCR will then determine whether the complaint will be formally accepted. If OCR formally accepts the complaint, it will require APHIS to submit an Agency Position Statement (APS), outlining our review of the complaint. OCR will then review the APS, possibly conduct its own investigation, and issue a final decision stating whether discrimination occurred. Civil Rights Enforcement and Compliance (CREC) has the responsibility for tracking these complaints for the APHIS Management Team; submitting the APS, and working closely with OCR. APHIS currently has a total of 28 open program discrimination complaints.

PURPOSE

This memorandum is to remind all APHIS managers and supervisors that, consistent with DR 4330-2 and 4330-3, any program complaint against APHIS personnel or programs wherein a person (non-employee) alleges either discrimination or unfair treatment, or otherwise infers that he or she was not treated fairly, must be forwarded to the OCR for processing.



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INSTRUCTIONS

If a person indicates that he or she wishes to file a complaint, they should be advised to contact OCR at the following address:

USDA Office of Civil Rights
Room 326-W Whitten Building
14th & Independence Avenue SW
Washington, DC 20250-9410
Telephone: (202) 720-5964 (voice or TDD)

If any APHIS employee receives a written complaint directly, that complaint should be forwarded to CREC for review. Please note that OCR prohibits agencies from contacting complainants regarding their complaint of discrimination. However, you must continue to provide the complainant with whatever program services he or she would normally be entitled to from our agency. After reviewing the complaint, CREC may request that you provide our office with a status report, so we recommend that you complete an incident report or record of the circumstances of the complaint as soon as possible after the complaint is made. Due to the wide geographic locations of our work sites, and the 5 day forwarding requirement, we request that you immediately forward (fax preferred) any program discrimination complaints to:

USDA-APHIS-CREC
Attn: Steve Shelor, Program Complaints Manager
Room 1137 South Building
1400 Independence Avenue, S.W.
Washington, DC 20250-3436
Telephone Number: 202-720-6312
Fax Number: 202-720-2365

POINT OF CONTACT

If you have any questions regarding program discrimination complaint processing, please contact me at (202) 720-6312, or Steve Shelor, Program Complaints Manager, at 202-720-0010.